

## REMARKS

Claims 1-47 are pending in the application. Claims 1-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Windows 2000 Authentication (<http://www.comptechdoc.org/os/windows/win2k/win2kauthentication.html>) (“Comptech Article”).

Reconsideration is requested. The rejections are traversed. No new matter is added. Claims 1-47 remain in the case for consideration.

## REJECTION OF CLAIM 47

In the response to the Office Action dated June 9, 2006, the Applicant added new claim 47. The Examiner subsequently issued a non-final Office Action dated September 21, 2006, indicating that the “[s]tatus of claims is as rejected as before”. But as the Examiner has never explained why claim 47 is considered to be obvious over “Comptech Article”, the finality of the rejection of claim 47 is premature. The Applicant respectfully requests that the Examiner withdraw the finality of this Office Action and explain why claim 47 is rejected as obvious over “Comptech Article”.

## REMARKS IN THE OFFICE ACTION DATED JANUARY 10, 2007

In the Office Action dated January 10, 2007, the Examiner asserts that several facts “seem to be accepted by Applicant”. The Examiner’s assertion is unsupported, and in fact contradicted, by the record.

*The Applicant has never accepted that Microsoft Windows 2000 had federation policy regarding user authentication across domains in the year 2000*

The Examiner states that the Applicant has accepted that “[a]lready in the year 2000, before the filing date of this application, Windows 2000 as reported to the media (as evidenced by the cited references in the prosecution history of this application) had federation policy regarding user authentication across domains” (see Office Action dated January 10, 2007, page 2; emphasis in original). The Applicant respectfully disagrees.

First, the “cited references” to which the Examiner refers were all published after the filing date of the patent application. As such, none of the “cited references” can properly be

considered to describe Microsoft Windows 2000 as it existed “in the year 2000”. Further, the “cited references” are not proper prior art, and so should not be considered by the Examiner in rejecting the pending claims.

Second, the Applicant recognizes that, *at some point*, Microsoft Windows 2000 included some features similar to those described in “Comptech Article”. But the Applicant has never indicated when those features were added to Microsoft Windows 2000, and has certainly never acknowledged that those features were part of Microsoft Windows 2000 as of its original release date. This supposedly “accepted fact” of the Applicant has been one of the points of contention between the Applicant and the Examiner: exactly when did Microsoft Windows 2000 include the features the Examiner asserts render the claimed invention obvious? The Applicant asserts that the Examiner bears the burden of proof regarding when these features became a part of Microsoft Windows 2000: the Examiner is not entitled to simply assume that these features have been part of Microsoft Windows 2000 since its original release date.

The Applicant respectfully reminds the Examiner that the Examiner bears the burden of establishing a *prima facie* case for an obviousness rejection. According to M.P.E.P. § 2142, “The legal concept of *prima facie* obviousness is a procedural tool of examination which applies broadly to all arts. It allocates who has the burden of going forward with production of evidence in each step of the examination process. . . . The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness” (citations omitted).

Since one (but not the only) point of contention between the Examiner and the Applicant is when the features in question were included in Microsoft Windows 2000 and the Examiner “bears the initial burden of factually supporting any establishing a *prima facie* conclusion of obviousness”, it is up to the Examiner to show that these features were part of Microsoft Windows 2000 before the filing date of this application. The Examiner has repeatedly pointed to “Comptech Article” as teaching the features in question. But even the Examiner admits that “Comptech Article” was not published before the filing date (*see, e.g.*, Interview Summary submitted on September 20, 2005). According to the Examiner, “the Office cited [“Comptech Article”] as a teaching regarding Windows 2000 rather than being prior art being published in the year 2000” (*see* Office Action dated June 9, 2006, page 2). If the reference is being cited not

because it was “published in the year 2000” (which “Comptech Article” was not), then it would seem evident that the Examiner agrees that “Comptech Article” was not published before the filing date of the application. Further, the Examiner has never suggested that “Comptech Article” was published before its stated date of October 28, 2001.

Since “Comptech Article” does not provide the factual support required by M.P.E.P. § 2142, then the Examiner would need to provide that factual support from some other source. The Examiner has failed to provide this factual support from any other source, instead insisting that “Comptech Article” must describe the original release of Microsoft Windows 2000. Indeed, the Examiner stated that “[t]he Office cannot find Applicant to be persuasive [as to which release of Microsoft Windows 2000 the author of “Comptech Article” referred] because the author did not mention that his discussion was meant to be for only some releases; one would surely expect an author to have noted more than one release if the author was aware of the critical differences between the release” (*see* Office Action dated June 9, 2006, page 2). The Applicant points out that the Examiner’s reasoning depends on two assumptions, neither of which has been shown to be reasonable, let alone correct. First, the Examiner has assumed that the author of “Comptech Article” was aware of these “critical differences”. But if the author of “Comptech Article” was not aware that these “critical differences” exist, then the author might not have drawn these differences to the reader’s attention. The Examiner has not shown that the author of “Comptech Article” was aware of these “critical differences”. As such a showing would be needed to provide the factual support for a rejection under 35 U.S.C. § 103(a) as explained in M.P.E.P. § 2142, the assumption must be proven: it cannot be summarily drawn.

Second, the Examiner assumes that the author of “Comptech Article” intended the article to cover all versions of Microsoft Windows 2000. This conclusion can be seen from the fact that the Examiner maintains the author would have noted the “critical differences” between versions of Windows 2000, assuming the author of “Comptech Article” was aware of the “critical differences”. But this assumption is also unwarranted. The conclusion could just as easily be reached the other way: the author made no mention of other versions of Microsoft Windows 2000 because he assumed everyone had updated their software to the latest version. Microsoft Corporation routinely pressures users to run only the very latest version of their software: Microsoft Corporation refuses to support versions of software that are sufficiently out-of-date. Their operating systems, such as Microsoft Windows XP (with which the undersigned is

personally familiar) actively checks for updates and downloads and installs those updates automatically. Thus, it is entirely reasonable that the author of “Comptech Article” could assume everyone was updated to the latest version of Microsoft Windows 2000, and did not need to address “critical differences” between versions of Microsoft Windows 2000. (The Applicant acknowledges that some users do not stay up-to-date with their software. But such people are in the minority: most people let the default settings control, which automatically install software patches and updates. People who change the default settings are likely to find themselves quickly without support from Microsoft Corporation. And being in the minority of users, the author of “Comptech Article” would not need to provide special comments for their benefit.)

These assumptions by the Examiner are an effort to shift the burden to the Applicant. Essentially, the Examiner has required the Applicant to show why “Comptech Article” does not make obvious the claimed invention, even though the Examiner has not established a *prima facie* case of obviousness. More specifically, the Examiner has required the Applicant to show why the features in question were not part of the original release of Windows 2000. This shifting of the burden is inappropriate: it is the Examiner’s burden to show that the features in question were in fact part of Windows 2000 before the filing date of the patent application. The Examiner has failed to meet this burden.

Thus, the Examiner’s assumptions about the author of “Comptech Article” are unwarranted. Given that the Examiner has acknowledged that “Comptech Article” was not published before the filing date of the patent application, the Examiner has failed to provide factual support for the rejection under 35 U.S.C. § 103(a), as required by M.P.E.P. § 2142. Thus, the Examiner has failed to establish a *prima facie* case of obviousness.

*The Applicant has never accepted that the claims would not be patentable if Windows 2000 had federation policy regarding user authentication across domains*

The Examiner next states that the Applicant has “accepted” that “[c]laims of this application would not be patentable if Windows 2000 in the year 2000 (as evidenced by the cited references in the prosecution history of this application) had federation policy regarding user authentication across domains” (see Office Action dated January 10, 2007, page 2; emphasis in original). The Applicant disagrees. Although the Applicant has argued at length that “Comptech Article” is not available as a reference in this patent application, the Applicant has never

acknowledged that the claims would not be patentable over Microsoft Windows 2000 if, in the year 2000, Microsoft Windows 2000 included the features described in “Comptech Article”. To the contrary, the Applicant has argued why the claims are not obvious over “Comptech Article” in the response to every Office Action, even assuming arguendo that “Comptech Article” were proper prior art (which the Applicant asserts it is not). The Applicant does not intend to present again the arguments in support of this point, but instead refers the Examiner to pages 11-13 of the response to the Office Action dated September 8, 2004; pages 9-10 of the response to the Office Action dated April 21, 2005; pages 10-17 of the response to the Office Action dated June 9, 2006; and pages 19-29 of the response to the Office Action dated September 21, 2006.

The Applicant notes that the Examiner has not responded to any of these arguments, except in making the comment that “Applicant argued that the reference does not teach a ‘shared secret.’ A shared secret is a secret that is shared. A password can be a secret. How can a password not be a secret?” (see Office Action dated April 21, 2005, page 2). The Applicant responded to this comment in the response to the Office Action dated April 21, 2005. To this day, the Examiner has not addressed the deficiencies of the reference, even assuming that “Comptech Article” were proper prior art. In particular, the Examiner has never responded to the Applicant’s arguments as to why the claimed invention is patentable over “Comptech Article”: please refer to the arguments in the previous responses cited above.

*The Examiner appears to be drawing an improper inference from the Applicant's refusal to submit an affidavit*

It appears that the Examiner is concluding that, because the Applicant has not filed an affidavit that Microsoft Windows 2000 did not include the features described in “Comptech Article” as of its original release, that this is equivalent to the Applicant acknowledging that Microsoft Windows 2000 did, in fact, include those features in its original release. The Applicant respectfully disagrees. The refusal to submit the requested affidavit is not because the Applicant believes the features in question were part of Microsoft Windows 2000 in the year 2000; the refusal is based solely on the fact that the Applicant cannot attest as such under penalty of perjury. But the fact that the Applicant cannot attest to truth of particular facts does not automatically mean that those facts are necessarily false. For example, the facts that the

Examiner wanted the Applicant to attest to might be secret facts. The Applicant's refusal or inability to attest to such facts does not mean the facts are necessarily false.

There is an enormous semantic difference between refusing to say "X is true" and saying "X is false". A refusal to say "X is true" simply means that the party cannot state as a certainty that "X" is true; "X" could still be true anyway. For example, if one were to ask most people the question "Is  $2^{13466917}-1$  a prime number?", most people would have no clue whether the answer is "yes" or "no": they would not know whether that particular number (a very large number) is prime or not. But the fact the people cannot answer "yes" to the question "Is  $2^{13466917}-1$  prime?" does not automatically mean that this number is not prime. In fact,  $2^{13466917}-1$  is a prime number (see <http://primes.utm.edu/largest.html>). Yet this is exactly the improper type of logic the Examiner appears to be applying in this case. This is inappropriate: the fact that the Applicant is unable to supply the requested affidavit is not equivalent to an acknowledgement that Microsoft Windows 2000 included the features in question in its original release.

In addition, as argued above and previously, the Applicant has no burden to prove that Microsoft Windows 2000 did not include the features described in "Comptech Article" as of its original release date. To the contrary, the burden is on the Examiner to establish that Microsoft Windows 2000 included those features as of its original release date. The Examiner bears the burden of establishing a *prima facie* case for obviousness; one necessary element of a *prima facie* case for obviousness is that the facts being used to reject the claims were known before the filing date of the patent application. The Applicant's refusal to submit the requested affidavit does not satisfy the Examiner's burden of establishing a *prima facie* case for obviousness. The Examiner has failed to meet this burden, instead attempting to shift the burden to the Applicant to disprove the Examiner's assumption. As stated repeatedly, this burden-shifting is inappropriate.

*The Examiner emphasizes "as reported to the media" as support for the rejection*

At least twice in the Office Action dated January 10, 2007, the Examiner stated that "Comptech Article" shows how Microsoft Windows 2000 was "reported to the media" (see Office Action dated January 10, 2007, pages 2-3). The Applicant would like to point out that the "reports to the media" to which the Examiner refers are the references that the Applicant maintains are not proper prior art. The Examiner is within his right to change the grounds of

rejection to a new reference, if the Examiner can find such a reference, although such a new rejection would require a new, non-final Office Action. But even then, the Examiner would still need to show that the reference was published before the filing date of the application or establishes conclusively what was “publicly known” before the filing date of the application, and documents published after the filing date of the application do not meet that requirement. Again, one of the central points of contention between the Applicant and the Examiner is *when* the information in question was known. That some information was “reported to the media” does not establish that such information was publicly known before the filing date of the application.

To the extent the “reports in the media” might be considered to support a claim rejection, the “reports in the media” can only be considered descriptive as to what was made public about Microsoft Windows 2000 at the time the “reports” were made. Thus, for example, “Comptech Article” can only be considered a description of what was made public about Microsoft Windows 2000 at the time “Comptech Article” was published: October 2001, well after the filing date of this patent application. To assert that “Comptech Article” describes what was publicly known about Microsoft Windows 2000 at any earlier time is to read more into the “report in the media” than it deserves.

*Microsoft Windows 2000, without a description of what it included before the filing date of the patent application, is not prior art*

The Examiner states that “Applicant has provided legal arguments on why the Windows 2000 as reported to the media (as evidenced by the cited references in the prosecution history of this application) cannot be prior art, especially if the media reports were published after the filing date of the application” (*see* Office Action dated January 10, 2007, page 3; *emphasis in original*). The Examiner misstates the Applicant’s position, although the substance of the Examiner’s statement is accurate. The Applicant has never argued that Microsoft Windows 2000 itself is not prior art: the Applicant agrees that Microsoft Windows 2000 was originally released in the year 2000, before the filing date of the patent application. But the Applicant and the Examiner disagree about what was publicly included in Microsoft Windows 2000. Reports published after the filing date of the patent application, such as “Comptech Article”, are not prior art. The contents of these “reports to the media” have not been shown to describe Microsoft Windows 2000 prior to the filing date of this patent application, and the content of these “reports” cannot

be used to support an assertion that Microsoft Windows 2000 renders the claims in this patent application obvious, especially where the Examiner cites to the reference as describing what was known.

*The Examiner has still failed to establish that “Comptech Article” is prior art*

The Examiner states that “[a]fter the Examiner establishes the date of the subject matter of the prior art, the actual publication date of the prior art does not seem to be relevant” (*see* Office Action dated January 10, 2007, page 3; emphasis in original). The Examiner appears to believe that the Applicant has acknowledged that the subject matter of “Comptech Article” is prior art before the filing date of the patent application. This conclusion is reached from the Examiner’s statement that “if there is no dispute that the subject matter of the prior art is before the filing date of this application, then the actual publication date of the prior art does not seem to be relevant” (*see* Office Action dated January 10, 2007, page 3).

First, the Examiner’s second statement is a conditional, as the Examiner prefaced the statement with the word “if”. Thus, as the Applicant continues to dispute that “the subject matter of the prior art is before the filing date of this application”, then the rest of the Examiner’s statement does not matter.

Second, the Applicant disagrees with the Examiner that the “subject matter of the prior art is before the filing date of this application”. The Applicant has repeatedly argued that “Comptech Article” was published after the filing date of this patent application, and as such is not prior art. Further, the Applicant respectfully points out that the Examiner has yet to establish that “Comptech Article” is prior art, within the definition of that term. The Applicant especially points out that at no time has the Applicant agreed that “Comptech Article” is proper prior art before the filing date of the patent application. Since the Examiner is relying on “Comptech Article” as the “subject matter of the prior art”, the Applicant has shown that the “subject matter of the prior art” is very much in dispute.

To be proper prior art, the publication date of the reference is highly relevant. The Applicant has established a publication date of October 28, 2001 for “Comptech Article”, which was after the filing date of the application, and which the Examiner has not disputed. Absent evidence that “Comptech Article” was published earlier (and more particularly, before the filing date of the patent application), “Comptech Article” is not prior art. That would mean that as



“Comptech Article” is not proper prior art and is not available as a reference for a rejection, its subject matter is irrelevant, and therefore the Examiner cannot rely on “Comptech Article” as describing what was included in Microsoft Windows 2000 as of its original release date.

The Examiner appears to be arguing that Microsoft Windows 2000 is prior art to the patent application. The Applicant does not disagree with the fact that Microsoft Windows 2000 was released before the filing date of this patent application. But then the question becomes: what was included in Microsoft Windows 2000 before the filing date of the patent application?” The Examiner is relying on “Comptech Article” to answer this question. But, as argued above and previously, to use “Comptech Article” in this manner is inappropriate because “Comptech Article” is not proper prior art. “Comptech Article” is not a definitive description of the subject matter of Microsoft Windows 2000 as of its original release date. The most that can be concluded is that “Comptech Article” is a description of what one person believed Microsoft Windows 2000 included at some point on or before October 28, 2001. As discussed above and in earlier responses to Office Actions, the author could have been incorrect about his statements (and in fact pointed out the possibility of his or her error) or could have been referring to versions of Microsoft Windows 2000 that existed only after the filing date of this patent application, among other possibilities. The burden is on the Examiner to show what was included in Microsoft Windows 2000 before the filing date of the patent application; “Comptech Article” does not satisfy that burden.

*The Examiner has failed to explain why the “prior art documents” are credible*  
According to the Examiner:

[T]he real question seems to be: what is the credibility of the prior art documents that have been cited in the prosecution history of this application?

On this critical question, the Office decided at this time against Applicant. After an unusually difficult consideration, the Office decides at this time in favor of the credibility of the prior art documents that have been cited in the prosecution history this application.

Thus, the claims are rejected.

(see Office Action dated January 10, 2007, pages 3-4). However, the Examiner has provided no explanation as to why the “prior art documents” are considered “credible”.

Nowhere does the M.P.E.P. describe the “credibility” of prior art as a factor in making a rejection. “Credibility” appears in the M.P.E.P. only in connection with the utility of the claimed invention: if the claimed utility is not credible, that fact forms a basis for rejecting a claimed invention as lacking utility. The M.P.E.P. does not describe the “credibility” of a reference as a factor in a rejection under 35 U.S.C. §§ 102-103.

In fact, the *Graham* factors, recited by the Examiner, suggest that credibility is altogether inappropriate. Credibility is a subjective interpretation of the reference: how reliable is the reference? Different people can have different opinions as to the reliability of a reference. Turning to the *Graham* factors, the scope and content of the prior art is an objective determination: either the reference teaches a point or it does not. Similarly, the differences between the reference and the claimed invention are an objective determination. The level of ordinary skill in the art is generally a subjective question, but has nothing to do with the reference itself. That leaves only the fourth *Graham* factor: the *objective evidence* indicating obviousness or non-obviousness. Because the fourth *Graham* factor requires objective evidence, a subjective interpretation such as credibility should not be used. Since the credibility of the reference does not belong in the analysis of any of the four *Graham* factors, the Examiner should not be arguing that the “credibility of the prior art documents that have been cited in the prosecution history of this application” (see Office Action dated January 10, 2007, page 4) suggests in any way that the references should be considered as prior art.

Finally, it is worth noting that the author of “Comptech Article” explicitly recites that “Comptech Article” is not generally reliable. According to the author of “Comptech Article”, “[t]his guide may have inaccuracies, use at your own risk” (see “The CTDP Windows 2000 Tutorial Version 0.6.1 Oct 28, 2001”, <http://www.comptechdoc.org/os/windows/win2k/index.html>, which is the introduction to “Comptech Article”). Given that the author himself acknowledges there may be errors, the credibility of “Comptech Article” is questionable at best.

In any event, the question is not, as the Examiner suggests, the credibility of the “prior art documents”. The question is their applicability: is “Comptech Article” prior art or not? This question is the initial question in determining the appropriateness of a rejection under 35 U.S.C. § 103(a). Before the Examiner can make a rejection that a claim is obvious over a reference, the reference must be “prior art”. This point is established repeatedly: in 35 U.S.C. § 103(a) (“A

patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, *if the differences between the subject matter sought to be patented and the prior art* are such that the subject matter as a whole would have been obvious at the time the invention was made. . . .”; emphasis added); in *Graham v. John Deere*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966) (“[d]etermining the scope and contents of the *prior art*”; emphasis added); in M.P.E.P. § 2141 (“the scope and content of the *prior art* are to be determined”; emphasis added); and in M.P.E.P. § 2141.01 (““Before answering *Graham*’s “content” inquiry, *it must be known whether a patent or publication is in the prior art* under 35 U.S.C. § 102.’ citing *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1568, 1 U.S.P.Q.2d 1593, 1597 (Fed. Cir.), *cert. denied*, 481 U.S. 1052 (1987)”; emphasis added).

Thus, “credibility” cannot enter the picture until after the documents in question are established as prior art. Whether a reference qualifies as prior art depends on the reference’s availability under some section of 35 U.S.C. § 102: the subject matter of the reference and the reference’s “credibility” are irrelevant. As argued repeatedly and not rebutted, “Comptech Article” is not prior art under any subsection of 35 U.S.C. § 102. As such, “Comptech Article” is not available under 35 U.S.C. § 103(a) in rejecting a claim as obvious, and the “credibility” of the reference is never reached, if it even matters at all.

The Applicant would like to remind the Examiner that in the responses to the Office Actions dated June 9, 2006 and September 21, 2006, the Applicant requested that the Examiner identify the section of 35 U.S.C. § 102 under which the Examiner believes “Comptech Article” is available as prior art. To date, the Examiner has failed to respond to this request.

*The newly cited references are also not prior art*

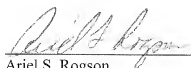
The Examiner has listed two new references on form PTO-892, attached to the Office Action dated January 10, 2007. Both of these references are from the website <http://en.wikipedia.org>. Neither reference has been cited in support of the rejection of the claims.

As with “Comptech Article”, the Examiner has not established a publication date for either of these references. The only dates provided on these references are the dates the Examiner printed the references (January 7, 2007) and the dates the references were “last modified (the earlier of the two being December 16, 2006). Thus, these references are not prior art any more than “Comptech Article” is prior art.

In addition, the Applicant points out that the credibility of the Wikipedia has recently been attacked. Wikipedia is "an Internet encyclopedia written entirely by volunteers" (see "The online credibility gap: Wikipedia article's false claim on JFK killing stirs debate", <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2005/12/06/WIKI.TMP&type=printable>, published December 6, 2005, a copy of which is attached hereto). The volunteers who write for Wikipedia are not experts in their fields, as are authors used by encyclopedias such as Encyclopedia Britannica. In addition, persons with agendas can bias the information in Wikipedia, slanted either in favor of or against a particular position: examples of both are described in the above-referenced article. According to the above-referenced article, "Wikipedia lets anyone write or edit articles without having to provide credentials, prove expertise or even reveal one's name. The premise is that the system will police itself; its thousands of volunteers will weed out inaccuracies and continually improve the content". But there is no guarantee that, over time, articles become more accurate: this premise is entirely unproven. In short, the articles on Wikipedia are not well authenticated. Given that the Examiner has recently focused on the credibility of references as a factor in favor of the rejection, the known unreliability of Wikipedia would make articles on Wikipedia a poor source for supporting an obviousness rejection. And even though some time has passed between the above-referenced article and the last modification of the Wikipedia references, that fact by itself does not establish the credibility of those references.

For the foregoing reasons, reconsideration and allowance of claims 1-47 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,  
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### The online credibility gap

#### Wikipedia article's false claim on JFK killing stirs debate

- Carolyn Said, Chronicle Staff Writer

Tuesday, December 6, 2005



What if an online encyclopedia read by millions said you shot JFK?

Wikipedia, an Internet encyclopedia written entirely by volunteers, claimed that a prominent journalist might have been involved in the assassinations of the Kennedy brothers, a false charge that has highlighted the Achilles' heel of such do-it-yourself Web sites.

The journalist, John Seigenthaler Sr., 78 -- who was an administrative assistant to Robert Kennedy as well as one of his pallbearers -- wrote an op-ed piece in USA Today last week protesting the "false, malicious" story.

"Wikipedia is a flawed and irresponsible research tool," Seigenthaler wrote.

Wikipedia removed the allegation in early October, more than four months after it was first posted.

The communally produced compendium has become an accepted source of information for millions of Web surfers. With 2.5 billion page views a month, it is the second-most visited reference site on the Web (after Dictionary.com), according to Hitwise.

But critics say Wikipedia leaves the door open for anyone who wants to rewrite history, whether it's your neighbor with a grudge, a nut job floating a conspiracy theory or someone repeating an urban legend. As with other Web sources such as blogs, its accuracy can be hard to judge.

In another recent incident, former MTV video jockey Adam Curry was accused of editing Wikipedia's entry on podcasting to inflate his role in its creation and take credit away from other people. Curry said he was simply trying to ensure the article's accuracy.

Wikipedia lets anyone write or edit articles without having to provide credentials, prove expertise or even reveal one's name. The premise is that the system will police itself; its thousands of volunteers will weed out inaccuracies and continually improve the content. This week, Wikipedia said it would modify its rules so only registered users can post new entries. Users can become registered with a 20-second signup that does not require an e-mail address. Anyone, registered or not, can still edit any article. In January the site will add a way for users to give feedback on Wikipedia articles.

Founder Jimmy Wales said the changes hadn't been made in response to the Seigenthaler incident but were "fortuitously timed."

Wales, 39, retired as a futures and options trader with enough resources to "support himself and his wife for the rest of their lives," according to a Wired article quoted in the Wikipedia entry on him.

In an interview, Wales said he started had Wikipedia in 2001 as a way to "hearken back to the early dream of the Internet; let's get people together; let's share knowledge."

The name came from wiki wiki, a Hawaiian expression for quick, combined with encyclopedia. On the Internet, wiki now describes any communally created Web site or page.

"The big-picture vision was to give away a free encyclopedia to every person on the planet in their own language," Wales said. While Wikipedia's English version, with over 840,000 articles, is its largest, the site offers entries in 82 languages.

That ambitious goal is linked to modest capital expenditures. Wikipedia, based in St. Petersburg, Fla., has only three paid staffers; Wales volunteers his time. Its annual budget of less than \$2 million, raised from donations, goes



primarily for servers to bouse its burgeoning collection of information.

Wales acknowledges that the Seigenthaler incident shows Wikipedia isn't perfect but says it is "pretty good and getting better" at policing itself. In fact, as it matures, he thinks its accuracy will surpass that of the Encyclopedia Britannica.

"It's a mistake to think about Britannica's content as being vetted while ours isn't," he said. "In the future, people will look at an article from Britannica and say, 'This was written by two people and reviewed by two more; I want an article reviewed by hundreds of people, fact-checked scrupulously by dozens and dozens of people.' In the future, we can say Britannica can't touch these (Wikipedia's) articles; it doesn't have the manpower to do it."

But many devotees of traditional research tools think there's a danger in relying on the accuracy of an open-source encyclopedia.

"If you look at the Encyclopedia Britannica, you can be fairly sure that somebody writing an article is an acknowledged expert in that field, and you can take his or her words as being at least a scholarly point of view," said Michael Gorman, president of the American Library Association and dean of library services at Cal State Fresno. "The problem with an online encyclopedia created by anybody is that you have no idea whether you are reading an established person in the field or somebody with an ax to grind. For all I know, Wikipedia may contain articles of great scholarly value. The question is, how do you choose between those and the other kind?"

Gorman thinks the answer for academia lies in encouraging students to think critically. "Anyone involved in higher education will tell you one of the biggest problems is uncritical acceptance (by students) of anything that's online," he said.

Pamela Samuelson, a professor of law and information management at UC Berkeley, says Wikipedia shows how the role of the editorial process is now up for grabs.

"The old phenomenon of the encyclopedia was that you have editors, and the job of the editors is to commission very thoughtful and accurate pieces by people who really know what they're talking about, and then you compile the information together, and everybody buys it because it's the definitive thing," she said.

Samuelson said the recent Wikipedia incident underscored the need for a way to authenticate its information.

"Like many people who grew up with 'old media,' I like the authoritativeness of a lot of resources that I continue to rely on," she said. "I do worry that as more and more things become available only online that we need some new devices to deal with authoritativeness issues. I want to be able to have clarity on how much I can rely on certain kinds of resources. I think that more of these checks and balances will emerge."

Wales says Wikipedia does have many systems to help monitor and improve accuracy. Each Wikipedia article includes extensive links to original source material, a "talk" page to discuss it and a history of how it's been changed. In a "very social process," its users continually chat about articles online, he says. Frequent users' comments have more credence, Wales says. In October, Wikipedia had 1,854 users who made at least 100 edits to its English pages and 43,531 who made at least 10 edits.

The Communications Decency Act, which Congress passed in 1996, shields Internet service providers like Wikipedia from liability for the content they carry. So even people who were defamed, like Seigenthaler, cannot sue the site. Seigenthaler wrote in USA Today that he couldn't track down the author of the false accusation against him without a subpoena to the person's Internet provider.

"This legal immunity is critical to give forums the space necessary to allow others to speak," said Kurt Opsahl, a staff attorney with the Electronic Frontier Foundation. "It's simply impossible for Wikipedia to review every post before it is made, so if you had any rule other than immunity for those posts, projects like Wikipedia would be in danger. I think Wikipedia is working hard to refine its process. Its core argument is that the sum of everybody's knowledge will tend toward the truth over time."

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